



PATENT  
Attorney Docket No.: 041465-5126

2655  
41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kiyoshi TATEISHI ) Confirmation No: 4513  
Application No.: 09/985,836 ) Group Art Unit: 2655  
Filed: November 6, 2001 ) Examiner: Ortiz Criado, Jorge L.  
For: OPTICAL RECORDING MEDIUM, )  
INFORMATION RECORDING )  
APPARATUS, AND INFORMATION )  
REPRODUCING APPARATUS )

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Commissioner for Patents  
U.S. Patent and Trademark Office  
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Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the above-referenced application. The Commissioner is hereby authorized to charge **\$180.00** as specified by § 1.17(p) to **Deposit Account No. 50-0310**, for this Information Disclosure Statement under the provisions of 37 C.F.R. § 1.97(c).

EP 0 715 301 A2 was cited in a partial European Search Report dated May 4, 2004 in a related European patent application. A copy of the partial European Search Report is attached hereto for the Examiner's consideration.

A copy of the listed document is attached.

Applicant respectfully requests that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

While the partial European Search Report also lists U.S. Patent Nos. 5,881,032 A and 5,995,458 A, these references are not listed on the attached PTO Form 1449 because they were previously cited by the Examiner in this application in an Office Action dated April 8, 2004.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art." If it should be determined that the listed document does not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Paul A. Fournier  
Reg. No. 41,023

Dated: July 14, 2004

**Customer No. 009629**

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<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary) <b>PTO Form 1449</b>	Attorney Docket No. <b>041465-5126</b>	Application No.: <b>09/985,836</b>
Applicant: <b>Kiyoshi TATEISHI</b>		<b>PAGE 1 of 1</b>
Filing Date: <b>November 6, 2001</b>		Group Art Unit: <b>2655</b>

## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub Class	<u>Translation</u>
							YES      NO
		EP 0 715 301 A2	Jun. 5, 1996	Europe			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

Examiner	Date Considered
Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.